

# **APPROVED AS AMENDED**

## **Town of Fitzwilliam Planning Board Tuesday, April 3, 2018 Meeting Minutes**

**Member's Present:** Terry Silverman, Chairman; Ross Tourigny; Suzanne Gray, Vice Chair; Robin Peard Blais, Secretary; Paul Haynes; Matt Buonomano; Charles Kenison, Selectman's Rep; Robert Young, Alternate;

**Member's Absent:** Carlotta Pini, Alternate;

**Other's Present:** Pam Monroe, Administrator for the New Hampshire Site Evaluation Committee (SEC); Nancy Carney, Selectmen;

**CTO:** 7:00 pm

### **Discussion with Pam Monroe from the NH SEC. 7:00 pm.**

Monroe distributed a packet of presentation materials for the Board members regarding the SEC (hard copies are available for review in the Land Use Department or can be emailed digitally.) Monroe explained her role and relationship with the SEC Board and explained that her role is also to aid the public with how they may participate in the SEC process.

Monroe began by explaining that 30 megawatts is the jurisdictional threshold where the applicant is required to go before the SEC to review the project to ensure it meets state regulations. Below the 30 megawatt threshold, Monroe continued, the public may petition the SEC to review the proposal, where the SEC will then take jurisdictional review. Monroe then discussed the purpose statement and statute surrounding the SEC's responsibilities and roles in evaluating site plans for utility companies. Explaining that it is to avoid undue delay in the siting of those, balance the impact of the energy facility, to address the environmental consequences, and provide a full and complete public disclosure on the project.

Monroe explained that goal of the SEC is to act as "a one-stop shop" where applicants may find all the applicable applications and permits they would need to site an energy facility. Monroe discussed that some of these permits may include Wetlands and Shoreland Permits, and driveway permits from the DOT, adding that her role is to receive all applicable applications as a single package from the applicant which she then sends off to their respective agencies for review.

Monroe discussed that state law requires there to be nine SEC commissioners. Monroe explained that the SEC is comprised of the 3 Public Utility Commissioners, the Department of Environmental Services Commissioner, the Department of Transportation Commissioner, the Commissioner of Business and Economic Affairs, the Commissioner of Natural and Cultural

Resources, and two Public Members who are approved by the Executive Council and Governor. Monroe lastly added that the SEC also includes one Alternate Public Member who only sits on the Committee in the event that one of the Public Members has to recuse themselves or cannot make the meeting.

Monroe then discussed the role of the subcommittees, which are comprised of 7 appointed members by the Chair of the SEC. Subcommittees typically consist of 5 agency members and the same 2 Public Members of the SEC. Monroe also noted that it takes a quorum of 5 out of the 7. The Commissioners of the 5 agencies may appoint someone to sit in in place for them on the subcommittee at their discretion. Monroe paused to open it up for questions or discussion and there was none.

Monroe moved on to discussing opportunities for public participation. Monroe explained that prior to filing an application with the SEC, any applicant to the project is required to hold a Pre-filing Public Information session held in the community which must be at least 30 days before the applicant files their application. Monroe added that written public comments are accepted throughout the hearing process, whether that be emails, written letters, or otherwise, and they are both distributed to the SEC members and posted on the SEC website for public review. Once the application is filed, Monroe reiterated that she receives it and then forwards the application to all of the agencies involved. The agencies reviewing are asked to ensure that all the information required for completion has been included. Monroe explained that within 60 days of filing the application, the SEC has to meet and deliberate at a public meeting. This public meeting would address if the application is administratively complete.

Monroe described her involvement with the Pre-filing Public Information Sessions, adding that it is her duty to coordinate those events. Monroe explained that there is usually a presentation by the applicant as well as by the SEC to describe the application process and the proposal. Monroe explained that at the end of the Pre-filing Public Information Session, they hold a question-and-answer forum where the SEC records all questions and comments. Monroe clarified that the Public Information Session is held within 45 days following the 60-day period for the SEC to review the application and hold the first public hearing.

Monroe then discussed that after the 45-day period for the Public Information Session, the SEC then has 90 days to hold another public hearing to allow the public to come back and provide further input, describing it to be a similar proceeding to the initial public hearing, which allows for public comment and question.

Monroe referenced Slide 11 which discusses how a town/organization/individual may file to intervene. Monroe described the SEC hearings to be similar to a courtroom case and therefore those who file to intervene are allowed to have lawyers, speak for themselves, and/or file suits. Those filing as interveners are asked to submit in writing about why they have a right, duty, or privilege to intervene on how they may be affected in some form by the ruling, and that it is in the interest of the Justice to allow them to intervene. The SEC is allowed to group interveners by similar interest, such as abutters to the project versus non-abutters to the project. Monroe paused again to open it up for questions and discussion; there was none.

Monroe added that there is opportunity in the community for community members and/or Board members to participate in these hearings as an intervenor. Monroe noted that intervenors are allowed to contest the SEC decision to approve a certificate for the applicants by taking it to the Superior Court. Monroe referenced how intervenors of the Antrim Wind Project are currently appealing the SEC's decision with the Superior Court and are awaiting their decision.

Monroe then moved to Slide 13 which discussed Council for the Public. Monroe explained that there are provisions in the statute to provide a Council for the Public. Monroe explained she contacts the Attorney General who appoints a Council for the Public for the case. Monroe clarified that the council is there to represent the whole general public, and no one individual, property, organization, etc. Monroe described the statutory charge for the Council for the Public as protecting the environment while seeking to ensure an adequate supply of energy. Councils for the Public are allowed to file motions to employ consultants, and Monroe referenced how the Council for the Public during the Northern Pass proceedings did just that in order to bolster the public's legal representation.

Gray asked for clarification if the Council for the Public was just for when there was an intervention or if it was for any proceeding. Monroe clarified that it was for any proceeding; adding that the Council of the Public may sometimes take an adversarial role and/or may employ an expert on a subject so that the committee may make an informed decision about the project. Monroe then discussed that, for example, during the Antrim Wind Project, a main concern by the intervenors was visual impacts. In response, the Council for the Public employed an aesthetics expert who was able to evaluate and present a report on those impacts and the potential deficiencies in the applicant.

Monroe added that the intervenors in the proceeding typically file before the first public hearing. Monroe explained that all agencies and committees have to report back to the SEC within 150 days with comments such as a draft of conditions or need for additional information. Monroe added that all of this information would be available online. After that point, Monroe explained that the final agency decision is made within 240 days. During this 240-day time period, Monroe explained that there is discussion, including technical sessions such as "mediated discovery." Monroe clarified that the 240-day period comes before any Public Hearings begin. Monroe then explained that at the end of 240 days, the SEC begins procedural ordering to plan for how the case hearing will be laid out and scheduled, such as who will give testimony, who will be witnesses, time estimates for certain parts of the case hearing, and more.

Once all the evidence is in, sometimes the SEC may ask for additional information before making a final decision on issuing a certificate. Monroe explained that the written order must be out within 365 days, however, if delaying the proceeding is in the public interest then they are allowed to change the timeline, pursuant to state statutes.

Monroe then moved on to Slide 16 which discusses the criteria of findings for the SEC to deliberate on. The SEC bases their findings on all of the evidence they've heard, including submission of written reports or comments that are filed. Monroe added that the rules also note

that the SEC is to give due consideration to the Regional Planning Commission as well as the local governing municipal body. Monroe added that the findings include that the project must not have unreasonable impact on aesthetics, historic sites, water quality, natural environment, health and public safety, and be serving the public interest.

Buonomano discussed that one of the things the Board had found in their research was that in order to maintain the grounds, some installations will use herbicides at the site and therefore there was runoff issues, while other sites allow the vegetative cover to grow without maintenance. Monroe responded that it would fall under rules for the SEC and that concern would likely be addressed by the environmental agency. Monroe further explained that the rules depend on the type of facility and then read from the SEC rules that the SEC reviews site acreage, the property map, wetlands, surface water, abutting properties, among other things, and therefore the question Buonomano posed would likely come up in review of all of the required findings.

Monroe finally discussed the last slide which presents the related statutes and rules for the SEC, reiterating that the information can be found on the SEC website. Monroe then opened it up for discussion.

Silverman asked if the Town can weigh in on whether or not the SEC can take charge of a project under 30 megawatts and Monroe responded they are allowed to ask the SEC to take jurisdiction by petition. Silverman asked if the local ordinances could be used as intervening evidence and Monroe responded that they absolutely can and explained that the Town may submit that information, such as those pertinent ordinances, to the SEC through prefilled testimony. Monroe added that the SEC votes yes or no on a case, however they have the ability to require conditions of approval. Silverman asked if the applicant is required or given a form of panel questions/ guidelines to follow for the Pre-filing Public Information Session in order to obtain public input. Silverman discussed, for instance, when Kinder Morgan came to Fitzwilliam for Pre-filing Public Information Sessions, they did very little to collect community input on the project proposal.

Gray added that she also attended several of the Kinder Morgan meetings and noted that she was disappointed that the meetings were essentially Kinder Morgan talking at those attending without really taking time for discussion or allowing input from the community. Gray then asked Monroe if she could clarify if there were any guidelines as to the amount of time the applicant is “talking at” those in attendance and how much time is supposed to be set aside for the public to ask questions and comment on the project. Monroe referred to the statutes and read that the Pre-filing Public Information Session is to present information regarding the project and to provide an opportunity to gather comments and questions from the public to be addressed by the applicant, and whether or not questions are answered immediately at that meeting is at the discretion of the applicant. Gray asked to clarify that the statute did say an opportunity for public input and Monroe confirmed that it said it was to provide an opportunity for “comment and questions.”

Gray and Silverman asked Monroe if the Board had any latitude to request that the applicant give the community opportunity to ask questions and give comment in a way that would not consist of those in attendance having to approach tables individually with their questions/comments. Gray added that the Board would like to see community members given the opportunity to be handed a microphone to voice their opinion to the applicant so that others in attendance may also hear the question/comment and response. Monroe responded that the SEC does not have the ability to dictate how the Pre-filing Public Information Session is handled, but did reference the rules, under 2.101, regarding the Pre-filing Public Information Session which outlined the time tables and public noticing for the meeting. Monroe suggested to Silverman and Gray that the Board reach out to the developer with their concerns for how the meeting is handled.

Silverman asked if the interveners have access to express concerns to the appointed council, to which Monroe responded yes. Gray asked in what format that typically happens and Monroe said in her experience, depending on who is appointed, they usually will take calls, respond to emails, etc. Monroe reiterated that the purpose of the Council would not be to serve an individual or group but to serve the interest of whole public.

Tourigny asked if statistically, as an example, if there are setback differences between the local and state statutes and if the Planning Board were to weigh in heavily on the issue of a higher setback requirement for the Town, would the SEC be more likely to rule in favor of the Town. Monroe explained that by the statutes they have to consider Town input. Monroe added she could imagine the SEC asking questions such as when the Solar Ordinance was passed; if it was only proposed and passed due to the proposed project; or what the purpose of a 75 foot wetland setback over a 50 foot wetland setback is.

Buonomano asked if the SEC was neutral to the type of proposed energy projects, asking if there is an interest in the State for increased pipelines, solar, or wind capacity. Monroe responded that there is a provision about energy supply in the statute, and then noted that one of the considerations is in the public interest determination, under 301.16, which says they have to consider the welfare of the population, public interest, private property, the location and growth of industry, and more. Buonomano asked if there are questions the SEC asks about the siting of the proposal, going on to discuss how Fitzwilliam is a good distance from any of New Hampshire's more populous centers and therefore is concerned about loss of energy along transmission lines. Buonomano also noted that he is concerned about the issue of snow covering panels and wonders if the SEC questions applicants about their choice of project siting. Monroe responded that no, they are to rule only on the project in front of them however alternative scenarios could be suggested during the hearing process for the applicants consideration. Buonomano asked if the SEC had ever reviewed any solar projects and Monroe responded no, the SEC has not had any come before them.

Young asked Monroe if there are rules for what the assessed value on the facility is in regards to how it may affect the Town's tax base and school funding formula. Monroe explained that in the context of siting, the applicant would likely present itself as a benefit to the tax base of the Town. Young asked if the SEC has any rules on how they assess the value of the utility and Monroe

responded no and that it would come up in the context of the fully litigated cases and it would be played out in the context of the case details and evidence presented. Monroe added that the SEC has to make their decision based on financial, technical, and managerial capabilities; that it will not unduly interfere with the orderly development; and will serve the public interest.

Buonomano asked about when the subcommittee is formed if those Public Members are appointed or apply. Monroe clarified that they have fixed terms and are appointed by the Governor and confirmed by the Executive Council. Monroe reiterated for Buonomano that those two Public Members sit in on all of the subcommittees and are on the docket for all such meetings.

Silverman asked about public interest and if that was defined as local public interest or general public interest. Monroe pointed to the rules where it provides a general definition, noting that it is a brand new provision in the law that has yet to be tested. Gray asked for clarification about the public interest and Monroe responded that the SEC has to find that the issuance of the certificate will serve the public interest. Silverman discussed that the proposal won't ameliorate the Town's cost of electricity in any way, it won't help business, it may negatively impact tourism in terms of viewsheds, and the Town would end up with those burdens such as wetland impacts and the dissecting of the land. Monroe responded that those issues should be brought up during the intervening proceeding and from there, the SEC ultimately rules based on the information provided.

Silverman asked if Prime Wetlands has any increased value for consideration from the SEC and Monroe responded that wetlands would be reviewed by DES, who review the application and report back to the SEC and may include conditions to protect those features. Blais asked if other state agencies, such as Parks and Recreation, were allowed to come to the Pre-filing Public Information Session and speak/present. Monroe respond under statute 162 H7-a that those state agencies, at their discretion, are allowed to come and participate. Monroe added that it's also possible for subcommittees to request a state agency to attend a meeting or hearing, and typically those agencies oblige.

Buonomano asked if ISO New England was included as a state agency and if they are consulted. Monroe said no they are not involved or consulted. Monroe described that there are similar cases where communities have requested ISO New England to be involved and they have declined. Monroe discussed that the SEC looks at 'reliability projects' over 'merchant projects.' 'Reliability projects' which are where there is a need for more energy in order to keep communities "lights on" while 'merchant projects' are not.

Gray explained that in the past, the Town has worked with Eversource and they commonly told the Board their project design would be in such a way because ISO demands certain features. Gray added that the Board feels like they are unable to hear from ISO directly that when the applicant says they need something, it actually is required. Monroe suggested researching ISO New England's rules and regulations, as well as reading through their published minutes. Monroe added that interveners have the opportunity to bring up those issues about ISO at the proceedings.

Tourigny asked how far along in the process the administrator (Monroe) works with the project and she responded that part of her responsibility is to determine the compliance of those certificates issued. Tourigny asked if she takes into account any follow-up feedback from communities and she added that she usually doesn't unless there's dispute, but otherwise her role is for review and determining compliance of the certificate, but if she does receive complaints she does investigate them.

Carney asked, for instance, if a company said they were going to produce a certain amount of energy, so as to bypasses local regulation and be reviewed by the SEC, what happens if they don't ever produce that amount of energy? Carney asked if there was a process by the SEC to ensure that the applicant will produce the amount of energy proposed. Carney clarified by adding that if a 30 to 35 megawatt project approved by the SEC and then afterwards the applicant only produces up to 25 megawatts, what would happen? Monroe responded that in the certificate issued could have conditions that says "thou shalt produce  $x$  amount of energy" and that they would be bound to produce that amount. Carney asked what happens if there are issues with production based on weather impacts such as snow cover, and if there would be opportunity for evaluation of the project post-certification. Monroe responded that evaluation of energy production may be required as a condition to the certificate and would likely be discussed within the context of the proceeding.

Young asked to clarify if the 30 megawatts meant 30 megawatts peak production or 30 megawatts averaging per month. Monroe responded that it says in the statutes that the 30 megawatts is defined as a project "designed for or capable of." Young reiterated that he was concerned about the loose definition to which Monroe restated that if the project was to be producing under the 30 megawatt threshold, the Town would be able to file a petition that the SEC would not have jurisdiction in the case.

Suzanne discussed that she had reviewed the Fitzwilliam Natural Resource Inventory (available in the Land Use Department for review) and that on page 47 is a map which define wildlife habitat by 3 tiers. Gray noted that the area in which Chinook Solar was proposing their project was qualified as a tier 1, a highest ranked area for wildlife by New Hampshire Fish and Game. Blais commented that it was likely no longer, considering most of the area has been logged in preparation for the proposed project. Monroe responded that the SEC has to take into consideration impacts to wildlife, habitat, vegetation, and other natural features.

Young asked if the SEC requires buffers or screening requirements such as along roads and Monroe said that the rules have provisions that the project can't have unreasonable impact on aesthetics and that they have to provide a visual impact assessment. Monroe added that the rulebook includes provisions to mitigate any aesthetic impacts as well as other requirements such as photo simulations, inventory of aesthetic resources, and more. Monroe further explained that it is the burden of the applicant to show the committee that they are meeting all of the requirements.

Silverman asked if the Antrim Wind Project was reduced at all and Monroe responded that yes it was, adding that they took out one of the turbines and reduced the height of another. Young asked about the background of those who sit on the SEC and Monroe responded that all members of the SEC have to submit a disclosure form explaining where they derive their income from, as well as where their spouses do, in order to help avoid any future issue with bias. Adding that there is very careful consideration to make sure those Commissioners are not biased. Silverman asked if SEC Commissioners would recuse themselves if there was previous interaction with the Town, such as working on a project that the Town petitioned against, and Monroe explained that it is at the discretion of that member if they need to recuse themselves.

Silverman asked if there was any further discussion and there was none, and the Board thanked Monroe for her time and work with the Board.

**Minutes of 3/20/18. 8:17 pm.**

Gray commented that ‘pilot’ should be changed to ‘PILOT’ for clarification;

Buonomano pointed about Page 4, Line 68, asking if Chinook Solar had in fact said they gave money to local organizations and Gray responded that they did say that;

Gray pointed at Page 2, Line 82, to change angel to angle;

On Page 5, Line 185, Buonomano asked about the discussion on Prime Wetlands. Blais explained that Scott Brook is currently a Prime Wetland but it is not currently designated to be protected as one by the Town because the Town has not yet proposed for it to be voted on at Town Meeting. Blais noted that the mention of Scott Brook as a Prime Wetland should be clarified.

Blais motioned to accept the minutes as amended, Buonomano seconded, and the Board agreed unanimously.

**Solar Conditional Use Permit Form. 8:24 pm.**

Buonomano pointed out that Utility-Scale should say “greater than one megawatt.” Carney asked if the CUP form can clarify on it that it’s only needed for Community- and Utility-Scale so that residences looking to put in solar don’t end up filling out the wrong application, or be deterred from solar by thinking they also need a CUP.

The Board asked the LUA to work with Debbie to add a provision to the Construction Permit Application Form that Ground-Mounted Solar Energy Systems need to have all wires buried under the ground.

The Board had no further discussion on the CUP form.

**Informational Update on Solar. 8:31 pm.**

The Board reviewed the informational packets provided.

Silverman suggested that the Board could invite Pat Martin to come out and discuss solar energy in the future. Gray noted she was still interested in what happens when there's an excess of energy not being used.

Carneys discussed that she has heard around Town that Chinook Solar is considering other sites and is concerned that they may be expanding beyond what they proposed. Carney discussed the other locations. Silverman and Blais discussed impacts to natural resources and aesthetics. Tourigny discussed how, from the ski hill in Fitzwilliam, he can see Fullam Hill and wondered if there would be a negative impact to the viewshed.

Silverman noted that the NH Department of Historical Resources had submitted a notice to the Land Use Department that Chinook Solar had filed a request for project review. Carney responded that one of the oldest buildings in Fitzwilliam exists on Fullam Hill Road. Silverman asked if it was on the registry of Historic Places and Carney responded she didn't think so.

#### **Election of Officers. 8:43 pm.**

Silverman began with a statement, saying that he would like to discuss the conversation that took place at the last meeting; that the perception that the Planning Board is overbearing and trying to take control of the use of people's property is simply not true and that a careful reading of the Town's ordinances and regulations will reveal them to be a guide to how a project can proceed. Adding that those regulations and ordinances exist to protect both the applicant and the neighboring properties as well. Silverman added that he understands that we are in a time where everyone feels entitled to call themselves oppressed but the Land Use regulations do not engage in this, and every ordinance enacted by the Town has been a response to a Land Use problem and that every ordinance has been passed by a majority vote according to Town legislature *or* at Town Meeting. Silverman continued that he would gladly discuss any decision the Board has put forward through his 30 plus years of service to the Town, adding that he has always tried to be respectful of anyone who he interacts with, whether applicant or Board member. Silverman stated that we live in a time where quality of life issues are deemed unimportant and it is incumbent on the Town to protect the water and land as best as they can for the common good of the people of Fitzwilliam and for future generations, and to balance the need for growth and business in people's lives. Silverman added that for the edification of the new Selectmen's Representative, the Planning Board is charged under RSA 672 to work in concert with the Town and enhance the public health, safety, and welfare, and to encourage the appropriate and wise use of land use under RSA 672-1, Section 3. Silverman noted that in the future, while input is appreciated, he asked that any comment is done with respect for all Board members and the Town traditions. Silverman then discussed that he would like to add that the assertion that he manages the Board "is really an insult to the people who work hard on this Board," and particularly in the last six months, Silverman noted that he has dealt with various issues and has remained very laid back in terms of designing the Solar Ordinance and taking a lead role. Silverman ended by thanking the Board.

Tourigny responded that it's easy to find fault, adding that he recognizes "the fact that [Silverman has] been doing this a long time" Tourigny then discussed how he did not interpret Kenison's comments made at the previous meeting as "trying to fire a shot at" Silverman or the

Board and that what was said seemed to be what the view is of a lot of people in Town. Tourigny added that he certainly gets the fact that Silverman would be offended by the comments made but he felt it wasn't meant to be interpreted in that way.

Kenison then asked to make a statement on the topic, and discussed that the comments made were not intended to be a personal issue between Kenison and Silverman, but was intended to be what the word was around Town. Kenison added that Silverman had acknowledged at the previous meeting that Silverman was aware of the perception in Town. Silverman responded that the comments made were very similar to sentiments mounted from a campaign three years ago. Kenison replied he was unaware.

Blais then stated that she felt that the Planning Board members needed to understand that though community opinion is of great importance, the Board is bound by the Land Use Code. Blais added that the Board may listen and care about what the community's opinion or perception of the Board is, however the Board is there to uphold the law and do their best to provide the Town with what they need and what they want to do with their land based on the guidelines the Board has. Blais then added that if the Board is going to focus on negative perceptions, then she wanted to add that she has also had community members say what a wonderful job the Planning Board has been doing. Blais discussed that the Board does care what the Town thinks, but the Planning Board has a job that requires a fair amount of consideration and the focus of meetings should not be on negative comments so that members can beat up on each other. Blais lastly discussed that the Planning Board cannot be sending email discussions.

Carney then stepped in to comment that she had received a complaint that she then had discussed with a few people, and through that, the communication got misinterpreted. Carney reiterated that the whole focus of the Planning Board is to do what is in the best interest of the Town and that a key factor is team effort. Carney added that members need to agree to disagree because it can help generate good discussion and that the perception of that Planning Board may be negative for some, but it's positive for others. Carney added that as elected officials in the Town, they likely need to do a better job of community outreach and education as to what the Boards do and are working on. Carney also noted that there is no place in Town politics for Republicans versus Democrats because the focus should be what is in the best interest of the community. Carney lastly reiterated that there can absolutely be no discussion over email, that it's in violation of RSA 91a, and if there is something a Board member wants to share with the Board, they need to go through the LUA to properly disseminate that information.

Buonomano then stated that he felt the Board has an opportunity here to *utilize the knowledge of their two most senior members*. Gray added that she also felt that they had been needing to change the faces of those in chairs/secretary positions for a while. Gray added that she felt it was time for other people on the Board to lead meetings and get deeply involved with stuff.

Buonomano mentioned that there are a few people on the Board who are really well known and really well respected in the Town across a broad spectrum of people. Buonomano then discussed that he thinks Tourigny would be a good face to have as Chairman of the Planning Board and would like to move to nominate him. Silverman responded that he feels Tourigny is still a bit

new. Silverman added that for him, it took a long time to learn the ropes, which included attending workshops that were integral to his growth as a leader and that those experiences aren't quite the same as listening in at Board meetings several times a month. Silverman then discussed that he would like to nominate Haynes as the Chairman.

Blais then noted to Kenison that she had no clue her son would ever be on the Planning Board and that it was of his own volition that he wanted to be a part of the Board. Blais added that she was surprised when she showed up to a meeting and Haynes was there sitting next to her. Blais lastly discussed that if the Board is looking to improve perceptions and portray themselves as something of interest to younger cohorts, then Haynes would make an impartial chair, a quick mind, and that he is well known and liked in town.

Kenison responded to Blais that he had no issue with Haynes and he had worked with Haynes on the CIP Committee, noting that he thought Haynes was a "top notch" Board member.

After discussing if it was appropriate for Blais to second the nomination, Silverman added that there is no legal provision barring family members from being on the same Board, adding that there is also no provision for spouses serving on separate Boards.

In response to the proposed nomination, Haynes discussed that he's mainly concerned about the time commitment involved for serving as a Chairman. Buonomano discussed that the primary role is to facilitate the meetings, seat alternates, call for additional Planning Board meetings as needed, and to be in control of the meeting. Buonomano also added that the Vice Chairman and Secretary are available to fall back on.

Silverman added that in the position of Chairman he also supervises the LUA, assists in presenting the Land Use budget, completing evaluations for the LUA, and conducts his own research prior to meetings. Silverman then discussed that the research he does before meetings can be a task that he maintains in transitioning out of the Chairman position, as it is not specifically a Chairman's duty to provide research. Kenison asked if those jobs for the Chairman position are assigned to him by the Board or if he takes them on, asking if, for instance, the evaluation for the LUA should be done by the Board. Silverman responded that most tasks of Chairman are laid out within the RSA and Planning Board Member Handbook, and that that evaluations are to be done by the Chairman, who is the Supervisor to the LUA. Carney added that the Board could have some future input on the Land Use budget, in an effort to delegate out tasks, if needed.

Gray then seconded Tourigny's nomination and Tourigny then spoke on behalf of his nomination. Tourigny began by addressing his "rogue email" sent on Friday, March 30, 2018 to the Board members including Kenison and Carney. Tourigny addressed the email by saying that he had a conversation with one of the Selectmen about writing the email prior to sending it. The Board members then discussed the procedure, going forward, about how to properly handle the dissemination of information among Board members. Tourigny responded that the email situation shows a "golden case in point" of his inexperience, but added that he's not afraid to give his viewpoint on matters and believes he can be very neutral. Tourigny then added that he

certainly has very little experience and that if it still seemed that he would be a reasonable candidate, he would rely heavily on the other Board members. Tourigny then discussed that he does realize he would have to increase his time commitment to the Board and is willing to do so.

Blais then discussed that Planning Board members are not allowed to discuss Planning Board matters, such as cases, outside of meetings. Tourigny responded that he understands and “gets hit with that a lot,” however has been hearing over the past week and a half around Town that he was going to be the new Chairman, to which he had responded he wouldn’t be.

Kenison then requested that the emails sent on Friday, March 30, 2018 be attached to end of the Planning Board minutes of this meeting in order to improve transparency of how proceedings in the Town Hall are handled. (A full copy of the email thread is attached at the end of these minutes, and on file for review in the Land Use Department.)

Young discussed that he has confidence in Tourigny, however, from the perspective of a community member and not of a Board member, he is concerned with having a developer be a Chairman. Tourigny, Blais, and Gray clarified that Tourigny is a contractor, and Tourigny responded that he has never done any development and never built a ‘spec’ house, only customs.

Blais agreed that they would be putting a fresh face in the Chairman position by nominating Tourigny. Buonomano discussed if they should consider nominating Gray for the Chair position. Gray responded that she was surprised but at the same time does feel like she has experience on the Board and tries to do research before meetings. Silverman responded that for the amount of research she provides for meetings, it may be more well received coming from someone in a non-chair position.

Blais moved to question, Silverman asked if there was any further discussion and there was not, the Board agreed unanimously to move to question.

**Chairman:** Buonomano nominated Ross Tourigny as the Chairman, Gray seconded, the Board agreed unanimously

**Vice Chairman:** Silverman nominated Paul Haynes as Vice Chairman, Blais seconded, and the Board agreed unanimously.

**Secretary:** Gray nominated Robin Peard Blais as Secretary, Buonomano seconded, and the Board agreed unanimously.

Silverman made a motion to adjourn, Gray seconded, and the Board adjourned at 9:21 pm.

**EMAIL TRANSCRIPT FROM THURSDAY, MARCH 29, 2018 TO**  
**FRIDAY, MARCH 30, 2018**

1. EMAIL FROM ROSS TOURIGNY TO PLANNING BOARD, CHARLEY KENISON,  
NANCY CARNEY, AND LAND USE DEPARTMENT  
– Sent Thursday, March 29, 2018 at 8:53 pm

I feel prompted to write this in order to clarify from my perspective some of the conversations I have been a part of or questions that have been directed to me as of late.

Today I was asked if at the last meeting "did Charley Kenison speak to Terry Silverman in a rude, derogatory ,cruel or combative manner?" Charley made mention that some of the talk in town was that the "Silverman's ran the town" . Charley stated this in a calm even tone. Terry did respond to Charley in the same manner. He didn't appear to be offended in his mannerism. There was nothing heated or argumentative in this conversation at all in my view. That said I am sure it was a difficult statement to make and receive from both parties.

Also during the second half of the meeting there was a great deal of discussion about how the Board functions, concerns about the public's view of the board, the selectmans concerns and possible solutions to make for a better Board. It was suggested that Terry step aside from his chair position. The discussion about Terry stepping down ended with no other comments from the board on that matter. I found it interesting that the minutes of the meeting make no mention of Charley's statement to Terry or the suggestion that Terry step down from the chair.

As of late it has been suggested that I should be a candidate for the Chair. With only one year of experience as a board member and the same with land use issues I can think of no one else on the board with less experience than me. There are, in my view far more knowledgeable board members when it comes to land use regulations. If I was to consider sitting as chair the rest of the Board needs to understand that I would have to lean on the collective knowledge of the entire group in order to be effective.

In addition to a possible change in the chair I do feel that we can make some adjustments in managing the land use office and some of its current practices, work on our public perception , reevaluate what some consider the boards desire to make more and more rules ( this was a comment I got from a homeowner that I visited this week).

I am sure the rest of the board would have some thoughts on this in addition to other items they feel need to be put on the table for all to consider.

Please feel free to respond if you'd like.

Sincerely yours

Ross Tourigny

Sent from my iPad

**2. EMAIL FROM MATT BUONOMANO TO PLANNING BOARD, CHARLEY KENISON,  
NANCY CARNEY, AND LAND USE DEPARTMENT**  
-Sent Friday, March 30, 2018 at 9:14 am

We can take guidance on these matters from the State. Attached is the most recent handbook published in December. It clearly outlines Planning Board conduct and the simple role of the Chair. The principal duty of the Chair is to efficiently conduct the meetings according to the Board's adopted Rules of Procedure. The manual outlines very few other duties or authorities of the Chair.

Here is the section on election of officers:

Each local land use board shall elect its chair from the appointed or elected members and may create other offices it deems necessary as described in RSA 673:9. An ex officio member (city council or selectmen's representative) may not serve as chair. Officers serve for one year (RSA 673:9). The chair shall preside over meetings and is typically responsible for conduct and decorum of the meeting. The chair has the responsibility to ensure that all parties receive a full and fair hearing before the board and to ensure rules of procedure and applicable state laws are followed. A board may want to consider electing a vice-chair who shall preside over meetings and assume the duties of the chair in his/her absence. If the vice-chair is also absent, then the secretary shall assume the chair's duties.

At the end of the manual is a section called: "RULES EVERY BOARD MEMBER SHOULD LIVE BY"

We should all review these. Perhaps we should review them annually as a Board.

Item #35 is telling:

**3. EMAIL FROM MATT BUONOMANO TO PLANNING BOARD, CHARLEY KENISON, NANCY CARNEY, AND LAND USE DEPARTMENT**

-Sent Friday, March 30, 2018 at 9:16 am

Well, I touched my computer mouse and my last email sent before I was finished. My last point was that Item #35 in the rules every planning board should live by is something for us to consider:

35. Rotate officers. RSA 673:9 limits the role of chairman and other officers to one year but they can run for reelection year after year. When considering a chair (or other officers as outlined in the board's rules) think of how well that person might be in such a role. Don't just automatically vote for a chair just because he or she has been on the board a long time or is a friend of yours - neither of which are necessarily qualifications for a good chairman. The vice-chair (if your rules provide) might be a good training ground for someone who may become chair, especially if they occasionally run the meetings in the chair's absence. Or, heading up a sub-committee might be a good way to assess a member's potential as a future chairman.

**4. EMAIL FROM CHARLES KENISON TO PLANNING BOARD, NANCY CARNEY, AND LAND USE DEPARTMENT**

-Sent Friday, March 30, 2018 at 10:59 am

Commenting on this email from Ross.

I did in fact say this to Terry. It was in response to Matt's comment that the board would need a new chairman if we want to change how the town perceives us. After all Terry has been Chairman for years and for good or bad he is the one most tax payers associate with the Planning board. A change in the chair would be a signal that we are changing.

I too was disappointed that the minutes did not reflect the actual discussion about the chair position.

I was pleased with the research that Danica did pertaining to the board's ability to bend the rules and ways to make that happen.

As far as Ross' statement that he would have to lean on the collective knowledge of the board, isn't that the exact description of Chairman that we want?

**Charley**

**5. EMAIL FROM ROBIN PEARD BLAIS TO PLANNING BOARD, CHARLEY KENSION, NANCY CARNEY, AND LAND USE DEPARTMENT**

-Sent Friday, March 30, 2018 at 11:22 am

I feel it is more appropriate to discuss these matters at the meeting Tuesday.  
Robin

6. EMAIL FROM SUZANNE GRAY TO PLANNING BOARD, CHARLEY KENSION, NANCY CARNEY, AND LAND USE DEPARTMENT  
-Sent Friday, March 30, 2018 at 11:22 am

Hi All,

I think this discussion should be held until Tuesdays meeting. We can share info via email but must be very careful about adhering to the Open Meeting guidelines.

*Suzanne*

Suzanne Gray

7. EMAIL FROM NANCY CARNEY TO PLANNING BOARD, CHARLEY KENSION, AND LAND USE DEPARTMENT  
-Sent Friday, March 30, 2018 at 12:11 pm

This and further discussion via email needs to stop. It is considered a meeting and discussion between elected officials.

NH Right to know 91-A applies.

Thanks

Nancy

*Sent from my Verizon Wireless 4G LTE Droid*